

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:13-CV-00534

CATHERINE FOLEY

Plaintiff,

v.

REPUBLIC AIRLINE, INC.; MIDWEST
AIRLINES, INC.; MIDWEST EXPRESS
AIRLINES, INC.; and FRONTIER AIRLINES,
INC.

Defendants.

DISCOVERY PLAN

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on September 17, 2013 by way of telephone conference and was attended by:

Jeanne H. Washburn and Gregory Seibert for plaintiff.

Brian Maye for defendants.

2. **Pre-Discovery Disclosures.** The parties will exchange information required by Fed. R. Civ. P. 26 (a)(1) by October 31, 2013.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

- a. Causes of the emergency evacuation outlined in plaintiff's complaint.
- b. Details of the evacuation itself.
- c. Defendants' general evacuation policies and procedures.
- d. Actions taken by Plaintiff during the evacuation.
- e. Any NTSB Policy and Procedure governing evacuations.
- f. Any and all investigations into either the cause of the fumes in the cockpit or the evacuation.

- g. Details of physical and mental injuries allegedly sustained by Plaintiff as a result of the subject incident.
- h. The details of medical treatment received by Plaintiff related to the subject incident.
- i. Details of damages allegedly suffered by Plaintiff as a result of the subject incident.

4. Disclosure or discovery of electronically stored information shall be handled as follows: Production of a hard copy or PDF files.

5. The parties have agreed to an order regarding claims of privilege or of protection as trial preparation on material asserted after production, as follows:

A privilege log containing the title of the document, the number of pages, the date of creation and the specific basis of privilege claimed.

6. All discovery commenced in time to be completed by **July 30, 2014**.

7. Maximum of **25** interrogatories by each party to any other party. Responses due 30 days after service.

8. Maximum of **25** requests for admissions by each party to any other party. Responses due 30 after service.

9. Maximum of **10** depositions by plaintiff(s) and **10** by defendant(s).

Each deposition will be limited to maximum of 7 hours unless extended by agreement of parties.

10. Reports from retained experts under Rule 26(a)(2) due: from plaintiff by **March 30, 2014**; from defendant(s) by **May 30, 2014**; supplementations under Rule 26(e) will be **June 30, 2014**.

11. **Other Items.**

The parties do not request a conference with the court before the entry of the scheduling order.

The parties request a pretrial conference in **August 2014**.

Plaintiff shall be allowed **120 days** from the date of this order to join additional parties and / or amend the pleadings.

Defendant(s) shall be allowed **150 days** from the date of this order to join additional parties and /or to amend the pleadings.

All potential dispositive motions shall be filed by **July 30, 2014**.

Settlement is likely and it may be enhanced by the use of mediation.

Final lists of witnesses and exhibits under Rule 26(a)(3) shall be due from plaintiff by **August 30, 2014** and from defendants by **August 30, 2014**.

Parties shall have **15 days** after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by October 2014 and be approximately 4 days.

Other matters. _____

Date: _____

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